



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

11 FEDERAL NATIONAL MORTGAGE
12 ASSOCIATION,

NO. CV 12-10289-UA (DUTYx)

13 Plaintiff,

14 v.
15 **ORDER SUMMARILY
16 REMANDING IMPROPERLY
REMOVED ACTION**

17 ESPERANZA ELIZALDE FLORES,
et al.,

Defendants.

18 The Court will remand this unlawful detainer action to state court summarily
19 because Defendant removed it improperly.

20 On December 3, 2012, Defendant, having been sued in an unlawful
21 detainer action in California state court, lodged a Notice of Removal of that action
22 to this Court and also filed a request to proceed *in forma pauperis*. The Court
23 has denied the latter request under separate cover because the action was not
24 properly removed. To prevent the action from remaining in jurisdictional limbo,
25 the Court issues this Order to remand the action to state court.¹

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28 ¹ On December 31, 2012, Plaintiff filed a motion to remand. The motion
(Dkt. No. 3) is DENIED as moot.

1 Simply stated, Plaintiff could not have brought this action in federal court in
2 the first place in that the complaint does not competently allege facts supporting
3 jurisdiction, and therefore removal is improper. 28 U.S.C. § 1441(a); see *Exxon*
4 *Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546, 563, 125 S. Ct. 2611, 162 L.
5 Ed. 2d 502 (2005). Defendant alleges that federal question jurisdiction arises
6 under the Federal Fair Debt Collection Practices Act, the Real Estate Settlement
7 Procedures Act, and the Truth in Lending Act. (Notice at 2.) However, Plaintiff
8 does not allege any federal cause of action. (See *id.*, Ex. A, Complaint.) Nor
9 does it appear that federal law is a necessary element of Plaintiff's claim. Thus,
10 Defendant has not alleged facts establishing the existence of a federal question
11 on the face of the complaint.

12 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
13 Superior Court of California, Los Angeles County, Bellflower Courthouse, 10025
14 East Flower Street, Bellflower, CA 90706 for lack of subject matter jurisdiction
15 pursuant to 28 U.S.C. § 1447(c); and (2) the Clerk send a certified copy of this
16 Order to the state court.

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18 DATED: 1/11/13

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20 GEORGE H. KING
21 United States District Judge
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